

## REMARKS

In accordance with the foregoing, claims 1, 69, and 70 have been amended, and new claims 71-74 have been added. Claims 1-3, 6-13, 15-25, 52-54, and 57-74 are pending, with claims 1, 52, 67, and 73 being independent. No new matter is presented in this Amendment Accompanying Request for Continued Examination.

### Consideration of Request for Reconsideration After Final Rejection

Please consider the arguments in the Request for Reconsideration After Final Rejection of June 17, 2008.

### Applicants' Statement of Substance of Interview

The two identical Interview Summaries mailed July 3 and 14, 2008, for the personal interview conducted on June 30, 2008, between Examiner Amelia L. Rutledge and the undersigned attorney, Randall S. Svihla, are acknowledged. Also, the Interview Summary mailed July 29, 2008, for the telephone interviews conducted on July 23 and 24, 2008, between Examiner Rutledge's supervisor, SPE Doug Hutton, and the undersigned attorney, Randall S. Svihla, is acknowledged. The applicants' statement of the substance of the interviews required by the Interview Summaries and MPEP 713.04 was filed on Monday, August 4, 2008.

### Error in Replacement Advisory Action

The Examiner checked box 1(a) in the replacement Advisory Action of July 24, 2008, to indicate that "[t]he period for reply expires 3 months from the mailing date of the final rejection." However, the Examiner should have checked box 1(b) because the Request for Reconsideration After Final Rejection of June 17, 2008, was filed within two months of the mailing date of the Final Office Action of April 24, 2008, pursuant to MPEP 706.07(f).

Claim Rejections Under 35 USC 103

Claims 1-3, 6-13, 15-25, 52-54, and 57-70 have been under 35 USC 103(a) as being unpatentable over Lamkin et al. (Lamkin) (U.S. Patent Application Publication No. 2002/0078144) in view of Montulli (U.S. Patent No. 6,34,592). This rejection is respectfully traversed.

Claim 1

Feature 1

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in independent claim 1 for at least the reasons discussed on pages 13-18 of the Request for Reconsideration After Final Rejection of June 17, 2008, which are incorporated by reference herein. In response to these arguments, the Examiner states as follows in the Advisory Action allegedly mailed on July 3, 2008:

While applicant argues in regard to Feature 1 (Remarks, p. 13-15) that Lamkin does not disclose the limitation of independent claim 1, "...a cookie generation command program, Lamkin discloses a cookie generation command program in Fig. 7, and at par. 0207, for example, which discloses that "General-purpose cookies are cookies that can be placed by web pages." Therefore Lamkin discloses " a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program." (See Remarks, p. 15-18).

Lamkin does teach a cookie generation command program, specifically Lamkin teaches the playback of audio and/or video embedded within a web page (p. 4, par. 74) which contains a command program (p. 4, par. 84) to generate cookies (p. 11, p. 205-p. 12, par. 218). Lamkin teaches parsing the markup document and extracting the command programs by interpreting the markup structure (p. 5, par. 86; p. 6, par. 107), which are included in the markup document.

With respect to the Examiner's statement that "Lamkin discloses a cookie generation command program in Fig. 7, and at par. 0207, for example, which discloses that 'General-

purpose cookies are cookies that can be placed by web pages,' " the Examiner has not identified the element in FIG. 7 of Lamkin that she considers to be "a cookie generation command program" as recited in claim 1, which makes it impossible for the applicants to respond to the rejection with speculating about how the Examiner is interpreting Lamkin. Although FIG. 7 of Lamkin shows a cookie manager 708 with an associated cookie API, these elements are part of Lamkin's apparatus, and do not generate the general-purpose cookies that are placed by web pages referred to in paragraph [0207] of Lamkin relied on by the Examiner. Rather, these general-purpose cookies are generated by the web sites hosting the web pages that place these general-purpose cookies as described in paragraph [0206] of Lamkin.

With respect to the Examiner's statement that "Lamkin does teach a cookie generation command program, specifically Lamkin teaches the playback of audio and/or video embedded within a web page (p. 4, par. 74) which contains a command program (p. 4, par. 84) to generate cookies (p. 11, p. 205-p. 12, par. 218)," it is submitted that the web page referred to in paragraph [0074] of Lamkin referred to by the Examiner does not contain any command program that may be disclosed in paragraph [0084] of Lamkin as alleged by the Examiner. Rather, paragraph [0074] of Lamkin states that "[t]he application programming interface (API) facilitates the playback of audio and/or video embedded within a web page," and thus merely discloses that the web page contains audio and/or video.

Furthermore, paragraph [0084] of Lamkin states that "[t]he application programming interface (API) provides interaction with hardware platform (402) by means of commands (or methods), properties, and events," and that "[c]ommands (also called methods) are executed to control the playback of, search of, and navigation through video and/or audio content." Thus, it is not seen where paragraph [0084] discloses a "command program" to generate the cookies referred to in paragraphs [0205]-[0214] of Lamkin as alleged by the Examiner, particularly since paragraph [0084] does not even mention cookies.

It is submitted that Lamkin simply does not disclose the combination of elements in the feature "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" recited in claim 1.

Paragraph [0074] of Lamkin states that "[t]he application programming interface (API) can play back full-screen video or video within a web page window (sub window)," and that

"[a]udio and/or video is embedded within a HTML-encoded page by use of an appropriate tag." The Examiner apparently considers such an HTML-encoded page to be "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1. Paragraph [0104] of Lamkin, in discussing FIG. 6 of Lamkin, states that "[t]he embedded web browser (410) is responsible for displaying the HTML content authored on InterActual-compatible disks, stored locally on device (602), or served from a remote server location." FIG. 7 of Lamkin shows an example in which an HTML-encoded page 740 is read from a disk 738.

However, it is submitted that nothing whatsoever in Lamkin indicates that the HTML-encoded page referred to in paragraph [0074] of Lamkin also comprises a cookie generation command program to generate any of the cookies referred to in paragraphs [0205]-[0214] relied on by the Examiner as would be necessary for Lamkin to arguably disclose "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in claim 1.

Paragraphs [0209]-[0213] of Lamkin relied on by the Examiner disclose system cookies that are generated by Lamkin's apparatus, i.e., they are "automatically created and modified by the player hardware and embedded browser" as described in paragraph [0207] of Lamkin relied on by the Examiner. Paragraph [0214] of Lamkin relied on by the Examiner discloses general-purpose cookies that web sites send to Lamkin's apparatus when Lamkin's apparatus accesses web pages contained in the web sites as described in paragraphs [0205] and [0206] relied on by the Examiner. However, it is submitted that nothing whatsoever in Lamkin indicates that the web pages that are accessed by Lamkin's apparatus comprise a cookie generation command program to generate the general-purpose cookie that is sent to Lamkin's apparatus as would be necessary for Lamkin to arguably disclose "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in claim 1. Rather, it is submitted that any such cookie generation program would be part of the web sites containing the web pages. This is consistent with FIG. 4 of Montulli relied on by the Examiner, which shows that the server returns a HTML document and cookies to a client, and with FIG. 5 of Montulli, in which step 224 shows that the merchant server generates and sends a synthetic page and a cookie describing the selected product to the browser of the client system 120 shown in FIG. 1B of Montulli, or the computer system shown in FIG. 6 of Montulli.

Accordingly for at least the foregoing reasons and the reasons discussed on pages 13-18 of the Request for Reconsideration After Final Rejection of June 17, 2008, it is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in claim 1 as alleged by the Examiner.

## Feature 2

It is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the interpreter executes the cookie generation command program of the command program to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" recited in claim 1 for at least the reasons discussed on pages 18-25 of the Request for Reconsideration After Final Rejection of June 17, 2008, which are incorporated by reference herein. In response to these arguments, the Examiner states as follows in the Advisory Action allegedly mailed on July 3, 2008:

Applicant argues regarding Feature 2 of claim 1, (see Remarks, p. 18-25), "a domain attribute identifying the interactive digital content reproducing apparatus as a domain ", it is the examiner's opinion that the combination of Lamkin and Montulli renders the limitation obvious, since Montulli teaches a method for transferring state information between a server and client computer using cookies (col. 7, l. 16-60). Montulli teaches that the cookie domain attribute can be set by the server system in order to retain state information, and that a domain name may define a subset of a domain, and may be set to any host name, such as "anvil.acme.com" and "shipping-crate.acme.com", which each fall within the "acme.com" domain (col. 8, l. 5-58; col. 5, l. 15-36). Montulli teaches that state information is tracked by matching the "name" "domain" and "path" attributes when a cookie is received (col. 9, . [sic] 37-col. 11, l. 46) and overwriting or changing the state information.

However, it is not seen where Montulli discloses that "Montulli teaches . . . that a domain name . . . may be set to any host name" as alleged by the Examiner. Column 8, lines 38-41, of Montulli states that "[t]he 'domain=DOMAIN\_NAME' attribute defines a domain for which the cookie is valid," and that "[t]he domain attribute is usually set using the domain name of the sending Web server." Column 8, lines 48-51, of Montulli states that "a domain name that defines a subset of a domain is deemed to match a larger enclosing domain," and that "[f]or example, the host names "anvil.acme.com" and "shipping.crate.acme.com" fall within the "acme.com" domain. This is the only place in Montulli where the term "host name" appears. Thus, Montulli appears to disclose setting the "domain=DOMAIN\_NAME" attribute to only (1) the domain name of the domain of the sending Web server, or (2) a domain name that defines a subset of the domain of the sending Web server. It is not seen where Montulli discloses setting the "domain=DOMAIN\_NAME" attribute to something other than these two types of domain names.

Thus, if one of ordinary skill in the art were somehow motivated to combine the teachings of Lamkin and Montulli, it is submitted that one of ordinary skill in the art might arguably provide the general-purpose cookies referred to in paragraphs [0207] and [0214] of Lamkin with the "domain=DOMAIN\_NAME" attribute disclosed by Montulli, and might arguably set the "domain=DOMAIN\_NAME" attribute of these general-purpose cookies to (1) the domain names of the domains of the servers that send these general-purpose cookies to Lamkin's apparatus, or (2) domain names that define subsets of the domains of the servers that send these general-purpose cookies to Lamkin's apparatus.

However, it is submitted that nothing whatsoever in Lamkin and Montulli would have motivated one of ordinary skill in the art to provide either the system cookies referred to in paragraphs [0207] and [0209]-[0213] of Lamkin or the general-purpose cookies referred to in paragraphs [0207] and [0214] of Lamkin with the "domain=DOMAIN\_NAME" attribute disclosed by Montulli, and then set the "domain=DOMAIN\_NAME" attribute of these system cookies or general-purpose cookies to a domain attribute identifying Lamkin's apparatus as a domain as would be necessary for Lamkin and Montulli to arguably teach "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

The Examiner continues as follows in the Advisory Action allegedly mailed on July 3, 2008:

While applicant argues that by referring to *In re Van Geuns*, the examiner did not adequately respond to applicant's prior argument relying on whether the cookies are generated by a server to show that the combination of Lamkin and Montulli is non-obvious (Remarks, p. 21-22), the examiner respectfully disagrees, since a detailed motivation statement was provided to support the combination of Lamkin and Montulli, and since applicant's arguments to differentiate the disclosure of the references from the claim limitations were based on features not recited in the claims, i.e., whether or not the cookie domain attribute were set by a server.

However, it appears that the Examiner still does not understand the point of the applicants' arguments based on "whether or not the cookie domain attribute were set by a server," as the Examiner puts it. As discussed above, Montulli appears to disclose setting the "domain=DOMAIN\_NAME" attribute to only (1) the domain name of the domain of the sending Web server, or (2) a domain name that defines a subset of the domain of the sending Web server, and it is not seen where Montulli discloses setting the "domain=DOMAIN\_NAME" attribute to something other than these two types of domain names. Thus, it is the applicants' position that Lamkin and Montulli cannot reasonably be considered to suggest setting the "domain=DOMAIN\_NAME" attribute to a domain attribute identifying Lamkin's apparatus as a domain as would be necessary for Lamkin and Montulli to arguably teach "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

The Examiner continues as follows in the Advisory Action allegedly mailed on July 3, 2008:

In response to applicant's argument that setting a cookie to identify a server is different from setting a cookie to identify a device (Remarks, p. 23-26), it is the examiner's opinion that it would have been obvious to one of ordinary skill in the art, for the reasons of record, i.e., it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of setting the domain attribute to track state information disclosed by Montulli to the method of playing back DVD and web content on a web page disclosed by Lamkin, because Lamkin teaches methods of using cookies to track content playback information, and Montulli teaches a method of setting cookie attributes to track state information; it would have been both obvious and desirable to identify the reproducing apparatus as a domain, since Montulli

teaches a method of using the domain attribute to track general categories of state dependent information.

With respect to the Examiner's statement that "Lamkin teaches methods of using cookies to track content playback information," it is submitted that Lamkin does not disclose using the general-purpose cookies referred to in paragraphs [0207] and [0214] "to track content playback information" as alleged by the Examiner. Rather, Lamkin only discloses using these general-purpose cookies to track past interactions between Lamkin's apparatus and the web sites that sent these general-purpose cookies to Lamkin's apparatus. See paragraphs [0204]-[0206] of Lamkin.

Furthermore, it is submitted that Lamkin does not disclose using the system cookies referred to in paragraphs [0207] and [0209]-[0213] of Lamkin "to track content playback information" as alleged by the Examiner. Rather, Lamkin discloses using the platform system cookie referred to in paragraph [0209] to store unique hardware information, including a hardware identifier for the device; using the userID system cookie referred to in paragraph [0210] to store unique user login information; using the application programming language version system cookie referred to in paragraph [0211] to store version information for the supported levels of the application programming interface (API); using the player mode system cookie referred to in paragraph [0212] to store the default player mode for the Application programming interface (API) playback, movie mode, or InterActual mode; and using the disk system cookie referred to in paragraph [0213] to store currently inserted disk information including a unique ID generated by local hardware based on [a] hashing algorithm provided by InterActual and (2) the id field from PCFreindly [sic] titles (based on the file DISC.ID) provided the disk is a PCFreindly [sic] (PCF) disk. The Examiner has not provided any explanation whatsoever as to how any of this information stored by these system cookies can be considered to be "content playback information" as apparently alleged by the Examiner.

In her comments with respect to dependent claim 8 in the Advisory Action allegedly mailed on July 3, 2008, the Examiner states "Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222." Paragraph [0212] referred to by the Examiner discloses the player mode system cookie, which stores the default player mode for the Application programming interface (API) playback, movie mode, or InterActual mode. However, this merely refers to the fact that Lamkin's apparatus can be set to automatically start up in either a movie mode in which video is played back as full-



screen video as shown by 1210 in FIG. 12, or an InterActual mode in which video is played back within a web page window as shown by 1208 in FIG. 12, as described in paragraphs [0074] and [0185] of Lamkin. It is submitted that this default player mode does not have anything whatsoever to do with "content playback information" as apparently alleged by the Examiner.

Paragraphs [0221] and [0222] of Lamkin referred to by the Examiner refer to bookmarks, rather than to cookies as apparently alleged by the Examiner. Lamkin discloses cookies and bookmarks as being two different things. Accordingly, it is submitted that it would be improper for the Examiner to ignore Lamkin's specific disclosure with respect to this point, and interpret Lamkin's bookmarks as if they were cookies, particularly since the term "cookie" has an accepted meaning in the art. Furthermore, it is submitted that such an interpretation would be based solely on a hindsight reconstruction of the invention arrived at by reading the applicants' disclosure, which is improper under 35 USC 103.

Furthermore, column 8, lines 38 and 39, of Montulli states that "[t]he 'domain=DOMAIN\_NAME' attribute defines a domain for which the cookie is valid." However, the system cookies referred to in paragraphs [0207] and [0209]-[0213] of Lamkin and the bookmarks referred to in paragraphs [0221] and [0222] are generated by Lamkin's apparatus, and are used only by Lamkin's apparatus. Thus, Lamkin's apparatus already knows that Lamkin's system cookies and bookmarks are valid for Lamkin's apparatus, such that there would have been no reason for one of ordinary skill in the art to provide Lamkin's system cookies and bookmarks with the "domain=DOMAIN\_NAME" attribute disclosed by Montulli, and then set the "domain=DOMAIN\_NAME" attribute to "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1 as apparently proposed by the Examiner to tell Lamkin's apparatus what it already knows, i.e., that that Lamkin's system cookies and bookmarks are valid for Lamkin's apparatus.

Accordingly, for at least the foregoing reasons and the reasons discussed on pages 18-25 of the Request for Reconsideration After Final Rejection of June 17, 2008, it is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the interpreter executes the cookie generation command program of the command program to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content

reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" as recited in claim 1 as alleged by the Examiner.

#### Claim 8

It is submitted that Lamkin and Montulli do not disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in dependent claim 8 for at least the reasons discussed on pages 26-28 of the Request for Reconsideration After Final Rejection of June 17, 2008, which are incorporated by reference herein. In response to these arguments, the Examiner states as follows in the Advisory Action allegedly mailed on July 3, 2008:

In response to applicant's arguments regarding dependent claim 8 (Remarks, p. 26-27), Lamkin clearly discloses a decoder decoding a read content, and a command program which operates to control the data storage unit by extracting predetermined target information (p. 7, par. 132-135; p. 12, par. 207-214), and commands the generated cookie information be [*sic*] stored in the data storage unit (p. 11, par. 205-206). Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222). Lamkin discloses each and every limitation of claim 8, because Lamkin discloses components which perform the same functions claimed in claim 8.

With respect to the Examiner's statement that "Lamkin clearly discloses a decoder decoding a read content," the Examiner has not identified which element of Lamkin's apparatus the Examiner considers to correspond to the "decoder to decode the AV data" recited in claim 8, which makes it impossible for the applicants to respond to the rejection without speculating about how the Examiner is interpreting Lamkin. Accordingly, should the Examiner continue to rely on Lamkin to show this feature of claim 8, it is respectfully requested that the Examiner identify which element of Lamkin's apparatus she considers to correspond to the "decoder to decode the AV data" recited in claim 8 in the next Office Action.

In the meantime, it is noted that FIG. 6 of Lamkin shows a DVD decoder 626, and FIG. 7 of Lamkin shows a DVD decoder 426 and a CD-DA decoder 734.

With respect to the Examiner's statement that "Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222)," the player mode system cookie referred to in paragraph [0212] stores the default player mode for the Application programming interface (API) playback, movie mode, or InterActual mode. However, this merely refers to the fact that Lamkin's apparatus can be set to automatically start up in either a movie mode in which video is played back as full-screen video as shown by 1210 in FIG. 12, or an InterActual mode in which video is played back within a web page window as shown by 1208 in FIG. 12, as described in paragraphs [0074] and [0185] of Lamkin. Assuming *arguendo* that the default player mode stored in the player mode system cookie may be considered to be "a state of a system variable of the interactive digital content reproducing apparatus" as recited in claim 8, it is not seen where Lamkin discloses that this default player mode is obtained from the DVD decoder 626 in FIG. 6 of Lamkin, or from the DVD decoder 426 or the CD-DA decoder 734 shown in FIG. 7 of Lamkin, as would be necessary for Lamkin to arguably disclose the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 as alleged by the Examiner.

With respect to the other system cookies referred to in paragraphs [0209]-[0211] and [0213] of Lamkin, i.e., the platform system cookie referred to in paragraph [0209] that stores unique hardware information, including a hardware identifier for the device; the userID system cookie referred to in paragraph [0210] that stores unique user login information; the application programming language version system cookie referred to in paragraph [0211] that stores version information for the supported levels of the application programming interface (API); and the disk system cookie referred to in paragraph [0213] that stores currently inserted disk information including a unique ID generated by local hardware based on [a] hashing algorithm provided by InterActual and (2) the id field from PCFreindly [sic] titles (based on the file DISC.ID) provided the disk is a PCFreindly [sic] (PCF) disk, it appears that the information stored in these system cookies is obtained by the cookie manager 708 in FIG. 7 of Lamkin from the identifier engine 710 in FIG. 7 as can be seen from paragraph [0133] of Lamkin. It appears that the identifier engine 710 obtains this information from the I/C controller 736 in FIG. 7 as can be seen from paragraph [0143] of Lamkin.

Thus, assuming *arguendo* that any of the information stored in the system cookies referred to in paragraphs [0209]-[0211] and [0213] of Lamkin may be considered to be "a state of a system variable of the interactive digital content reproducing apparatus" as recited in claim 8, it is not seen where anything whatsoever in Lamkin indicates that any of the information stored in the system cookies referred to in paragraphs [0209]-[0211] and [0213] of Lamkin is obtained from the DVD decoder 626 in FIG. 6 of Lamkin, or from the DVD decoder 426 or the CD-DA decoder 734 shown in FIG. 7 of Lamkin, as would be necessary for Lamkin to arguably disclose the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 as alleged by the Examiner.

With respect to paragraphs [0221] and [0222] of Lamkin referred to by the Examiner, it is submitted that these paragraphs refer to bookmarks, rather than to cookies as apparently alleged by the Examiner. Lamkin discloses cookies and bookmarks as being two different things. Accordingly, it is submitted that it would be improper for the Examiner to ignore Lamkin's specific disclosure with respect to this point, and interpret Lamkin's bookmarks as if they were cookies, particularly since the term "cookie" has an accepted meaning in the art. Furthermore, it is submitted that such an interpretation would be based solely on a hindsight reconstruction of the invention arrived at by reading the applicants' disclosure, which is improper under 35 USC 103. Accordingly, it is submitted that paragraphs [0221] and [0222] of Lamkin, which refer to bookmarks, rather than to cookies as apparently alleged by the Examiner, cannot reasonably be considered to disclose the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 as alleged by the Examiner.

For at least the foregoing reasons and the reasons discussed on pages 26-28 of the Request for Reconsideration After Final Rejection of June 17, 2008, it is submitted that Lamkin and Montulli do not disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 as alleged by the Examiner.

Claim 52

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a cookie generation command program" as recited in independent claim 52, or the feature "wherein the cookie generation command program controls the interactive digital content reproducing apparatus to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" recited in claim 52, for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the same or similar features of claim 1.

Claim 58

It is submitted that Lamkin and Montulli do not disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie generation command program controls the interactive digital content reproducing apparatus to: obtain a state of a system variable of the interactive digital content reproducing apparatus from the decoder; and include the state of the system variable in the cookie data" recited in claim 58 for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the combination of the same or similar features of claim 8.

Claim 67

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a cookie generation command program" as recited in independent claim 67, or "generating a cookie using the cookie generation command program, the cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a

domain attribute identifying the interactive digital content reproducing apparatus as a domain;  
and storing the cookie in the non-volatile data storage portion of the data storage unit" as recited in claim 67, for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the same or similar features of claim 1.

Claim 69

It is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a play state system variable of the interactive digital content reproducing apparatus" recited in dependent claim 69 for at least the reasons discussed on pages 29-31 of the Request for Reconsideration After Final Rejection of June 17, 2008, which are incorporated by reference herein. In response to these arguments, the Examiner states as follows in the Advisory Action allegedly mailed on July 3, 2008:

In response to applicant's arguments in regard to claim 69, (Remarks, p. 29-30), Lamkin teaches wherein the system variable is a play state system variable of the interactive digital content reproducing apparatus (p. 7, par. 0129-0132; p. 14-33), because Lamkin teaches a play state system variable for media playback events. Lamkin also discloses a variable to track play state at [sic] (p. 7, par. 132-135; p. 12, par. 207-214), and discloses detailed method [sic] for tracking play state.

Assuming *arguendo* that the paragraphs [0129]-[0135] and [0207]-[0214] of Lamkin relied on by the Examiner disclose system variables of Lamkin's DVD device 602 as alleged by the Examiner, the Examiner has not identified which one or ones of these system variables the Examiner considers to be "a play state system variable" as recited in claim 69, which makes it impossible for the applicants to respond to the rejection without speculating about how the Examiner is interpreting Lamkin. Accordingly, should the Examiner continue to rely on Lamkin to show this feature of claim 69, it is respectfully requested that the Examiner identify which one or ones of Lamkin's alleged system variables she considers to correspond to the "play state system variable" recited in claim 69 in the next Office Action

Furthermore, it is submitted that the Examiner has not established that Lamkin and Montulli disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the

cookie generation command program" recited in claim 8 from which claim 69 depends for at least the reasons discussed above in connection with claim 8.

Furthermore, it is submitted that the Examiner has not shown that any of the play state system variables allegedly disclosed in paragraphs [0129]-[0135] and [0207]-[0214] of Lamkin are "obtained from the decoder by the interpreter under control of the cookie generation command program" and are also part of "cookie data" as recited in claim 8 from which claim 69 depends, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 69.

For at least the foregoing reasons and the reasons discussed on pages 29-31 of the Request for Reconsideration After Final Rejection of June 17, 2008, it is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a play state system variable of the interactive digital content reproducing apparatus" recited in claim 69 as alleged by the Examiner.

#### Claim 70

It is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a parental level system variable of the interactive digital content reproducing apparatus" recited in dependent claim 70 for at least the reasons discussed on pages 31-33 of the Request for Reconsideration After Final Rejection of June 17, 2008, which are incorporated by reference herein. In response to these arguments, the Examiner states as follows in the Advisory Action allegedly mailed on July 3, 2008:

In response to applicant's arguments regarding claim 70 (Remarks, p. 31-33), Lamkin does disclose wherein the system variable is a parental level system of the interactive digital content reproducing apparatus (p. 67, C.1.10; p. 42; A.2.13). Lamkin discloses at p. 13, par. 256-257 that the system commands disclosed at p. 67, C.1.10; p. 42; A.2.13 are part of the system application program interface (API) and can be used by the HTML/javascript calling application. Lamkin teaches that the command handler, event generator, and identifier engine all interact with the cookie manager to pass information about the API to cookies (p. 7, par. 0128-0134), and therefore shows that the system commands are programmatically linked to the cookie manager.

However, these comments by the Examiner are essentially identical to the Examiner's comments on page 21 of the Final Office Action of April 24, 2008. The applicants already explained why the Examiner's position as set forth in these comments is incorrect on pages 31-33 of the Request for Reconsideration After Final Rejection of June 17, 2008. By merely repeating these comments in the Advisory Action allegedly mailed on July 3, 2008, the Examiner did not take note of the applicants' arguments and answer the substance of them as required by MPEP 707.07(f). Accordingly, it is respectfully requested that the Examiner take note of the arguments on pages 31-33 of the Request for Reconsideration After Final Rejection of June 17, 2008, and answer the substance of them in the next Office Action.

Furthermore, with respect to the Examiner's statement that "Lamkin does disclose wherein the system variable is a parental level system of the interactive digital content reproducing apparatus (p. 67, C.1.10; p. 42; A.2.13), the Examiner has apparently overlooked the fact that claim 8 from which claim 70 depends recites that "the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder," and the Examiner has not pointed out where Lamkin discloses or suggests that the state of the InterActual.SelectParentalCountry C1.10 command described on page 67 of Lamkin or the state of the InterActual.ParentalLevel A2.13 property described on page 42 of Lamkin is included in "cookie data" as recited in claim 8 from which claim 70 depends, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 70.

Furthermore, it is submitted that the state of Lamkin's InterActual.SelectParentalCountry C1.10 command and the state of Lamkin's InterActual.ParentalLevel A2.13 property are not in fact included in "cookie data" as recited in claim 8 from which claim 70 depends because the only cookies disclosed in Lamkin are the general-purpose cookies placed by web pages disclosed in paragraphs [0205]-[0207] and [0214] of Lamkin, and the system cookies generated by Lamkin's apparatus disclosed in paragraphs [0207]-[0213] of Lamkin, none of which include the state of the InterActual.SelectParentalCountry C1.10 command or the state of the InterActual.ParentalLevel A2.13 property.

Furthermore, assuming *arguendo* that the Examiner's statement that "Lamkin teaches that the command handler, event generator, and identifier engine all interact with the cookie manager to pass information about the API to cookies (p. 7, par. 0128-0134), and therefore shows that the system commands are programmatically linked to the cookie manager" is correct,



it is submitted that the command handler, the event generator, and the identifier engine do not interact with the cookie manager to pass the state of the InterActual.SelectParentalCountry C1.10 command or the state of the InterActual.ParentalLevel A2.13 to cookies as apparently alleged by the Examiner because, as discussed above, none of the cookies disclosed in Lamkin include this information.

The Examiner is reminded that claim 70 depends from claim 8, and thus the Examiner is required to show that Lamkin and Montulli disclose or suggest the following combination of features:

wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program [claim 8]; and

wherein the system variable is a parental level system variable of the interactive digital content reproducing apparatus [claim 70].

For at least the foregoing reasons and the reasons discussed on pages 31-33 of the Request for Reconsideration After Final Rejection of June 17, 2008, it is submitted that the Examiner has not shown that Lamkin and Montulli disclose or suggest this combination of features, such that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a parental level system variable of the interactive digital content reproducing apparatus" recited in claim 70 as alleged by the Examiner.

#### Conclusion—Claim Rejections Under 35 USC 103

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 6-13, 15-25, 52-54, and 57-70 (i.e., claims 1, 8, 52, 58, 67, 69, and 70 discussed above and claims 2, 3, 6, 7, 9-13, 15-25, 53, 54, 57, 59-66, and 68 depending directly or indirectly from claims 1, 8, and 52) under 35 USC 103(a) as being unpatentable over Lamkin in view of Montulli be withdrawn.

Patentability of New Claims 71-74

It is submitted that Lamkin and Montulli do not disclose or suggest the following feature of new dependent claim 71:

wherein the parser comprises a cascading style sheet (CSS) parser to verify whether or not the markup document complies with display rules of colors and fonts.

or the following feature of new dependent claim 72:

wherein the cookie generation command program comprises a setCookie function.

or the following features recited in new independent claim 73:

An interactive digital content reproducing apparatus to reproduce interactive digital content, the interactive digital content reproducing apparatus comprising:

a data storage unit, the data storage unit comprising a non-volatile data storage portion;

a retrieving unit to retrieve interactive digital content, the interactive digital content comprising:

audio/video (AV) data; and

a markup document comprising a cookie generation command program and supporting an interactive function for reproducing the AV data;

a decoder to decode the AV data; and

a presentation engine to:

extract the cookie generation command program from the markup document;

obtain a state of a parental level system variable of the interactive digital content reproducing apparatus from the decoder;

execute the cookie generation command program to generate a cookie using the state of the parental level system variable; and

store the cookie in the non-volatile data storage portion of the data storage unit;

wherein the cookie comprises:

cookie data, comprising the state of the parental level system variable, to be used by the interactive digital content

reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and

a domain attribute identifying the interactive digital content reproducing apparatus as a domain.

or the following features recited in new dependent claim 74:

wherein the presentation engine comprises:

a HyperText Markup Language (HTML) parser to verify whether or not the document complies with an HTML syntax; and

a cascading style sheet (CSS) parser to verify whether or not the markup document complies with display rules of colors and fonts.

It is noted that new dependent claims 71 and 74 are directed to the CSS parser feature described in paragraphs [0065] and [0066] of the specification discussed during the interview conducted on June 30, 2008, and that new independent claim 73 is a revised version of the combination of independent claim 1 and dependent claims 8 and 70 discussed during the interview.

For at least the foregoing reasons, it is submitted that new claims 71-74 are patentable over Lamkin and Montulli, and an indication to that effect is respectfully requested.

### Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

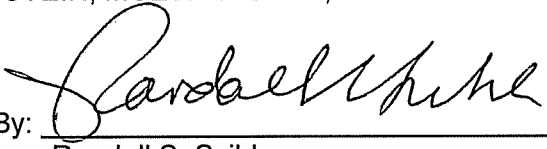
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 08/25/08

By:   
Randall S. Svihla  
Registration No. 56,273

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510